

REMARKS

1. Figure 3 should be entered into the application.

The Notice of Allowance informs Applicants that Figure 3 is not present in the application file. Applicants note that this is their first notification that Figure 3 was not in the application file, despite the application having undergone extensive prosecution, Applicants' submission of formal drawings on January 16, 2002 and acceptance of those drawings by the Patent and Trademark Office, all since the application was filed on August 21, 2001.

If Figure 3 was indeed missing from their application upon filing, it absence was the result of inadvertence without any deceptive intent or motive. Applicants submit herewith a replacement copy of Figure 3 for this application. Figure 3 is properly added to the application, without introducing any new matter, pursuant to the provisions of MPEP 201.06(c)IV. Applicants in their transmittal letter filed with the application noted: 1) that "the entire disclosure of the prior application, from which a copy of the oath or declaration is supplied [herewith], is considered as being part of the accompanying application and is hereby incorporated by reference herein." (Exhibit A). Applicants filed a copy of the oath or declaration from the previous application (Serial No. 08/474,892, now U.S. patent 5,880,862), and identified the previous application both in their transmittal letter and Preliminary Amendment submitted with their application. Figure 3 is properly considered a part of the instant application by reference, and can be incorporated into the application without the introduction of new matter. Applicants respectfully request that Figure 3 be so entered.

2. Applicants' submission of their Information Disclosure Statement complied with the rules and should be considered.

The Notice of Allowance further indicates that Applicants' Supplemental Information Disclosure Statement, submitted June 4, 2004, was not considered for failing to comply with the provisions of 37 C.F.R. §1.97 et seq. Specifically, the Notice asserts that the submission was not accompanied by the fee required under 37 C.F.R. §1.17(p) or the statement required under 37 C.F.R. §1.97(e).

Contrary to these assertions, Applicants submit that proper authorization to charge the required fee was contained in their submission. In the transmittal letter accompanying their Supplemental Information Disclosure Statement (as well as their Response to Office Action), mailed June 4, 2004 (Exhibit B), paragraph 3 thereof explicitly authorizes the Patent and Trademark Office to "charge any additional fees . . . to the Deposit Account 13-2490." Applicants submit that, should any fees be due and owing for considering their Supplemental Information Disclosure Statement, payment of those fees was provided for by their explicit authorization.

Accordingly, Applicants respectfully request that the references contained in their Supplemental Information Disclosure Statement submitted June 4, 2004, be considered and an initialed copy of PTO Form 1449 be returned to them for inclusion in their undersigned representative's case file.

CONCLUSIONS

Applicants respectfully contend that all conditions and formal requirements patentability have been met.

If the Examiner in charge of this application believes it to be helpful, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
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By:

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